

Application Number 09/873,933
Response to Office Action mailed January 16, 2007

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REMARKS

In response to the Office Action dated January 16, 2007, Applicant respectfully requests reconsideration. Claims 1-3, 37-45 and 47-63 are pending.

Claim Rejection Under 35 U.S.C. § 112

In the Office Action, the Examiner rejected claims 1-3, 37, 39-41, 43-44, and 47-63 under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. In particular, the Examiner asserted that the disclosure provides no support for the term "geographic." In support of this rejection, the Examiner stated that the "Examiner has performed a text search of Applicants (sic) specification and cannot find one occurrence of the term 'geographic'."¹

Applicant respectfully traverses the rejection. In fact, Applicant's specification as filed does include the term "geographic location," e.g., at page 7, line 4. In this passage, the specification refers to an "identifier . . . that identifies geographic location of the customer." Because Applicant's specification clearly includes a written description of the invention that enables any person skilled in the art to make and use the invention, Applicant respectfully requests that the Examiner withdraw the rejection of claims 1-3, 37, 39-41, 43-44, and 47-63 under 35 U.S.C. 112, first paragraph.

Claim Objections

The Examiner objected to claim 38 because Applicant applied the status identifier "Withdrawn-currently amended" to claim 38 in the response dated November 7, 2006. Application respectfully traverses this objection as 37 CFR 1.121(c) sets forth that the status identifier "Withdrawn-currently amended" for a withdrawn claim that is currently amended is acceptable.

¹ Office Action dated January 16, 2007, page 2.

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Claim Rejection Under 35 U.S.C. § 103

In the Office Action, the Examiner rejected claims 1-2, 37, 39-41, 44, 47-52, 55-59, and 62-63 under 35 U.S.C. 103(a) as being unpatentable over Mulcahy et al. (US 6,002,746) in view of Miller et al. (US 7,062,549). The Examiner also rejected claim 3 under 35 U.S.C. 103(a) as being unpatentable over Mulcahy et al. in view of Miller et al. and further in view of Kennedy et al. (US 6,163,594), and rejected claims 43, 53-54 and 60-61 under 35 U.S.C. 103(a) as being unpatentable over Mulcahy et al. in view of Miller et al. and further in view of Steinbrenner et al. (US 6,754,310). Applicant respectfully traverses the rejections as Miller et al. does not qualify as prior art under 35 U.S.C. 103(a).

Miller et al. was filed on November 15, 2001 and does not claim priority to an earlier-filed application. The present application was filed on June 4, 2001. For this reason, Miller et al. does not qualify as prior art under 35 U.S.C. 103(a). Because the Examiner has relied upon Miller et al. in rejecting each of the pending claims, the rejections under 35 U.S.C. 103(a) should be withdrawn.

Applicant neither admits nor acquiesces in the propriety of the Examiner's application of Mulcahy et al., Steinbrenner et al. and Kennedy et al. to the claimed invention. In light of the ineligibility of Miller et al. as prior art against the claimed invention, however, Applicant reserves further comment with respect to Mulcahy et al., Steinbrenner et al. and Kennedy et al. at this time.

For at least these reasons, the Examiner has failed to establish a prima facie case for non-patentability of Applicant's claims 1-3, 37, 39-41, 43-44, and 47-63 under 35 U.S.C. 103(a). Withdrawal of this rejection is requested.

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CONCLUSION

All claims in this application are in condition for allowance. Applicants respectfully request reconsideration and prompt allowance of all pending claims. Applicants do not acquiesce in any of the Examiner's current rejections or characterizations of the prior art, and reserve the right to further address such rejections and/or characterizations.

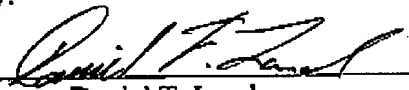
No fees are believed to be due at this time. Please charge any additional fees or credit any overpayment to deposit account number 50-1778.

The Examiner is invited to telephone the below-signed attorney to discuss this application.

Date:

April 16, 2007
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